G. R. S. IX-5]

Previous references.

Reserve

1917-18

(Courts)

File No. 211-17

Serial Nos. 1 & 2

Later references.

cls 21-17 Vol 3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B for May 1918

SUBJECT.

Appeal against the order of acquittal passed by the City Magte of Bangalore in Criminal Case No 120 of 1917 on the file of this Court.

2) To the D.m. Bangalore
" Govt Advocate
No 14666-7 Dy 15-5-1918
Request the Govt Advocate to prefer an appeal against the order of acquittal.

W D 85—GPB—50,000—24-7-18

My Abdur Rahman
18-5-1918 Khan

G. R. S. III—1] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 211-M

FILE HEADING.

Appeal against the order of acquittal passed by the City Magte of Bangalore in criminal case no. 120 of 1917 on the file of his Court.

From

The Dt. Magte of Bangalore

No. Jc 845 Dated 3.5.18 Received 6.5.18

Diary No. J2590	Enclos. Records Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the records connected with the case & states that an appeal may be preferred against the order of acquittal passed.

NOTES AND ORDERS.

Srbd. The time for appeal expires on the 22nd June 1918.

V.N. 7/5

The facts of this case are very simple One Adavigappa lodged a complaint of daconity & theft against one Channabasappa and 6 Mers.

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

General and Revenue Secretariat. | cts File No. 211 of 1917-18.

Serial No.

The complaint was clearly a false one as Channabasappa was proved to be at Poona on the date of the offence. A 'B' report was presented to the Court and accepted. Adaviyappa was prosecuted for the offence of giving false information to a public Servant under S 182 I.P.C. no Sanction granted by the Supt. of Police. The Magistrate who tried the case has held that the offence committed is one falling under S 211 I.P.C, and that as no Sanction was obtained for prosecution under it, the accused must be acquitted.

The District Magistrate ~~has~~ was applied to move the Govt. to prefer an appeal against the order of acquittal. The Govt. Advocate who was ~~not~~ consulted in the matter is of opinion that this is a fit case for preferring an appeal.

~~The Magistrate admitted that the offence against the accused is proved, but held that as the case falls under S 211 I.P.C. no Sanction for prosecution for offence under S 211 was obtained, he should~~

Under S 211 a complaint may be made either to the Police or to the Court. S 195 Cr. Pro. Code requires Sanction of the Court only when the false charge is made to the Court. In the present case the complaint was made to the Police, and hence no Sanction seems

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S/

G. R. S. III-2]

General and Revenue Secretariat. | C/- File No. 2W of 1917.

Serial No.

necessary. In a recent Madras case which was exactly on all fours with the present case, the Judges (Miller & Sadasiva Ayya JJ.) held that in order to initiate proceedings under S 211 IPC against the informant the sanction of the Magistrate was not necessary. [Bhimaraj Venkateswarulu v Moovabaposha. 15 IC 320]

Appeared, the Govt Advocate will be requested to prefer an appeal.

9/5

Fit. Member

4083
13/5

14/5

Draft
13/5

Draft submd.
13/5

B
16/5

Issue
14/5

2 | To The D.M. Bangalore
The Govt Advocate
No D 4666-7 15th May 1918

Requests the Govt Advocate to prefer an appeal against the order of acquittal.

NOTE—Contn. sheet.

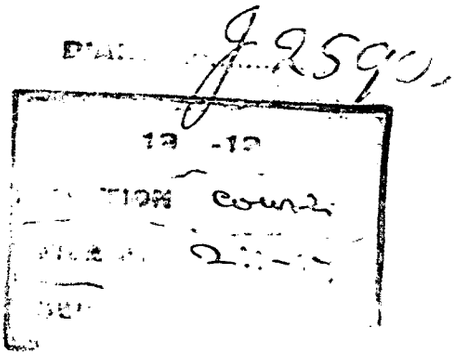
No. Y.e.845 Office of the District Magistrate,
Enc. 5+1 file
Bangalore District.

Dated Bangalore, 1st May 1918.

3

From

P.F. Bowring, Esquire,
District Magistrate,
Bangalore District.



To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

S i r,

I have the honor to forward herewith a copy of the memo under date 6-3-1918 submitted by Mr. G.K. Madhava Rao, Prosecuting Inspector of Police, Bangalore District to the District Superintendent of Police, Bangalore District, - bringing to notice that Adivappa accused of the offence under section 182 I.P.C. in C.C. No. 120 of 17-18 on the file of the City Magistrate Bangalore has been improperly acquitted under section 245 of the C.P.C. and copy of my letter No. 2541 Mis. Enc.2 dated 8/15 March 1918 to the Government - Advocate Bangalore for an expression of opinion and his reply thereto (vide No.277 dated 25-3-1918)

2. It is clear from the Government Advocate's letter that the order of acquittal passed by the City Magistrate in the case referred to above cannot be supported and that it is a fit case for preferring an appeal.

3. I, therefore, request that you will be so good as to move Government (under Section 417 C.P.C.) to direct the

4 MAY 1918
1918 C1518

From

The Dy. magistrate
Bangalore

To

The Chief Secretary to
Government of His
Highness the Maharaja
of Mysore

Dated
Despatched } 30. may 18.
Received

General No. J. C. 845
No.

Enclosure No. 5 + 1 file

Requesting to move
Government to direct the
Public Prosecutor to present
an appeal to the Chief Court
against the acquittal passed by the
City Magistrate Bangalore
in C. C. 120 of 1917. CR.

as 4-46

GENERAL SECRETARIAT
III
JUDICIAL
4 MAY 1918
6

GPB—75 reams—25 5 10

Public Prosecutor to present an appeal to the Chief Court against the Said order of acquittal.

4. The records in C.C.No.120 of 17-18 on the file of the City Magistrate Bangalore together with its connected records i.e. Cl.Mis.No.67 of 16-17 and Cl. Mis. No.338 of 15-16 are herewith forwarded for kind perusal and return when done with.

I have the honor to be,

S i r,

Your most obedient servant,

District Magistrate,
Bangalore District.

CSR.

G.R.S. VI-71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section C to
File No. 211-17
Serial No. 2

General and Revenue Secretariat
( )
, *the* *191*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue..... 15/5/18

Signed by..... M.V. G. Srinivasa Iyer

Read.—

Letter no. J.C. 845 & 3rd May 1918 from the District Magistrate of Bangalore bringing to notice that Adivappa, accused in criminal case no. 120 of 1917-18 on the file of the City Magistrate of Bangalore has been improperly acquitted and soliciting sanction to prefer an appeal to the Chief Court against the said order.

Order Thereon:— No.

Order:- No. J 4666-7

Under Section 417 of the

over.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

criminal Pro: Code, the Govt. Advocate is requested to prefer an appeal against the order of acquittal passed by the city Magistrate of Bangalore in the case referred to above.

Sd.
For Chief Secy

Do. The Dt. Magistrate of Bangalore returning the records (sent)
" Govt. Advocate in Mysore

KV/llc
4/5/08

List of enclosures.

Copied by

Examined by